REMARKS

Claims 1-14 are pending. Claims 1-14 stand rejected.

Independent claim 1 recites a processor "having" a memory.

Independent claim 8 recites a processor "comprising" a memory.

In the Response to Arguments section of the Office Action mailed November 1, 2007 ("Office Action"), the Examiner states the following:

> Regarding the arguments pertaining to the memory, the claims do not state anything about the processor "containing" the memory. They only state the processor "having" a memory. Therefore, it does not matter whether or not the memory in the Vanden Heuvel reference is not inside the box. Both of the references show the memory connected and/or coupled to the processor. Therefore, both of the references used teaches the processor having a memory, and the examiner did not change his arguments with regards to claim 8 [and claim 1], the examiner only reopened prosecution because the examiner agreed that the Vanden Heuvel reference does not anticipate a wireless transceiver.

Office Action at pages 5 and 6.

Applicants respectfully request that the Examiner provide documentary evidence (e.g., case law) that supports the Examiner's interpretation of "comprising" and "having".

In other words, the Examiner is invited to provide case law in support of the proposition that B is not part of A in "A comprising B" or that B is not part of A in "A having B".

Applicants respectfully believe the Examiner's interpretation of "comprising" and "having" to be in error. Hypothetically, if a table has four legs, then the four legs are interpreted as being part of the table. This is the *plain meaning* of the phrase "has" or "having".

With respect to claim 1, a processor "having" a memory is interpreted as the memory as being part of the processor.

With respect to claim 8, a processor "comprising" a memory is interpreted as the memory as being part of the processor.

The Examiner admitted, in the Examiner's Response to Arguments section reproduced above, that "[b]oth of the references show the memory connected and/or coupled to the processor". Thus, as alleged, neither reference describes or teaches a memory as set forth in claims 1 and 8 that is part of a processor.

M.P.E.P. § 2111.03 states that "comprising" is synonymous with "including", "containing" or "characterized by" since it is inclusive or open-ended and does not exclude additional, unrecited elements or steps.

Therefore, since claim 8 recites a "processor comprising a memory", the memory should be interpreted as being part of the processor and not merely connected and/or coupled to the processor as alleged by the Examiner.

M.P.E.P. § 2111.03 also states that "having" must be interpreted in light of the specification to determine whether open or closed claim language is intended. For the Examiner, the issue is not whether "having" is open ended or closed ended, but a more basic contemplation: whether "having" means "inclusion".

M.P.E.P. § 2111.03 cites Lampi Corp. v. American Power Prods. Inc., 228 F.3d 1365 (Fed. Cir. 2000) for the proposition that "the term 'having' was interpreted as open terminology, allowing the **inclusion** of other components in addition to those recited" (bold added).

In other words, a processor having a memory as set forth in claim 1 is interpreted as the memory being **included** as part of the processor.

Thus, the basis of the rejection of claims 1 and 8 as alleged by the Examiner in the Response to Arguments section of the Office Action is materially incorrect with respect to the Examiner's interpretation of "comprising" and "having".

Accordingly, the Examiner has not presented a *prima facie* rejection with respect to independent claims 1 and 8.

For at least the above reasons, the rejection of claims 1 and 8 cannot be maintained.

It is therefore respectfully requested that the rejection be withdrawn with respect to claims 1 and 8 and their respective rejected dependent claims (i.e., claims 2-7 and claims 9-14).

Conclusion

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: April 1, 2008

Respectfully submitted,

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